



General Assembly

January Session, 2005

Raised Bill No. 6580

LCO No. 2873

02873_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

***AN ACT CONCERNING THE AUTHORITY OF THE VICTIM
ADVOCATE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46a-13c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2005*):

3 The Victim Advocate may, within available appropriations:

4 (1) Evaluate the delivery of services to crime victims by state
5 agencies and those entities that provide services to crime victims,
6 including the delivery of services to families of crime victims by the
7 Office of the Chief Medical Examiner;

8 (2) Coordinate and cooperate with other private and public agencies
9 concerned with the implementation, monitoring and enforcement of
10 the constitutional rights of crime victims and enter into cooperative
11 agreements with public or private agencies for the furtherance of the
12 constitutional rights of crime victims;

13 (3) Review the procedures established by any state agency or other
14 entity providing services to crime victims with respect to the

15 constitutional rights of crime victims;

16 (4) Receive and review complaints of persons concerning the actions
17 of any state or other entity providing services to crime victims and
18 investigate those where it appears that a crime victim or family of a
19 crime victim may be in need of assistance from the Victim Advocate;

20 (5) File a limited special appearance in any court proceeding for the
21 purpose of advocating for any right guaranteed to a crime victim by
22 the Constitution of the state or any right provided to a crime victim by
23 any provision of the general statutes;

24 (6) Pursue appellate relief on behalf of a crime victim for the
25 purpose of advocating for any right guaranteed to such crime victim
26 by the Constitution of the state or any right provided to such crime
27 victim by any provision of the general statutes in any case in which an
28 alleged violation of any such right has occurred in any court
29 proceeding;

30 ~~[(6)]~~ ~~(7)~~ Ensure a centralized location for victim services
31 information;

32 ~~[(7)]~~ ~~(8)~~ Recommend changes in state policies concerning crime
33 victims, including changes in the system of providing victim services;

34 ~~[(8)]~~ ~~(9)~~ Conduct programs of public education, undertake
35 legislative advocacy, and make proposals for systemic reform;

36 ~~[(9)]~~ ~~(10)~~ Monitor the provision of protective services to witnesses
37 by the Chief State's Attorney pursuant to section 54-82t; and

38 ~~[(10)]~~ ~~(11)~~ Take appropriate steps to advise the public of the services
39 of the Office of the Victim Advocate, the purpose of the office and
40 procedures to contact the office.

41 Sec. 2. Section 46a-13d of the general statutes is repealed and the
42 following is substituted in lieu thereof (*Effective October 1, 2005*):

43 (a) All state, local and private agencies shall have a duty to
44 cooperate with any investigation conducted by the Office of the Victim
45 Advocate. [Consistent with the provisions] Notwithstanding any
46 provision of the general statutes concerning the confidentiality of
47 records and information, the Victim Advocate shall have access to,
48 including the right to inspect and copy, any records necessary to carry
49 out the responsibilities of the Victim Advocate as provided in section
50 46a-13c, as amended by this act, except any medical, psychiatric or
51 substance abuse treatment records and information that are
52 confidential pursuant to state or federal law. [Nothing contained in
53 this subsection shall be construed to waive a victim's right to
54 confidentiality of communications or records as protected by any
55 provision of the general statutes or common law.] If the Victim
56 Advocate is denied access to any records or information necessary to
57 carry out such responsibilities, the Victim Advocate may issue a
58 subpoena for the production of such records or information as
59 provided in subsection (c) of this section.

60 (b) In the performance of his or her responsibilities under section
61 46a-13c, as amended by this act, the Victim Advocate may
62 communicate privately with any crime victim or person who has
63 received, is receiving or should have received services from the state.
64 Such communications shall be confidential and not be subject to
65 disclosure, except as provided in subsection (a) of section 46a-13e.

66 (c) Except as otherwise provided in this subsection, the Victim
67 Advocate may issue subpoenas to compel the attendance and
68 testimony of witnesses or the production of books, papers and other
69 documents and to administer oaths to witnesses in any matter under
70 investigation by the Victim Advocate. If any person to whom such
71 subpoena is issued fails to appear or, having appeared, refuses to give
72 testimony or fails to produce the evidence required, the Victim
73 Advocate may apply to the superior court for the judicial district of
74 Hartford which shall have jurisdiction to order such person to appear
75 and give testimony or to produce such evidence, as the case may be.

76 No subpoena may be issued under this subsection that is directed to
77 the defendant in a criminal prosecution or the defendant's attorney, or
78 for the production of books, papers and other documents by such
79 defendant or the defendant's attorney, or to compel the attendance and
80 testimony of such defendant or the defendant's attorney.

81 [(c)] (d) The Victim Advocate may apply for and accept grants, gifts
82 and bequests of funds from other states, federal and interstate agencies
83 and independent authorities and private firms, individuals and
84 foundations, for the purpose of carrying out his or her responsibilities.

85 Sec. 3. Subsection (b) of section 54-76l of the general statutes is
86 repealed and the following is substituted in lieu thereof (*Effective*
87 *October 1, 2005*):

88 (b) The records of any youth adjudged a youthful offender on or
89 after October 1, 1995, or any part thereof, may be disclosed to and
90 between individuals and agencies, and employees of such agencies,
91 providing services directly to the youth, including law enforcement
92 officials, state and federal prosecutorial officials, school officials in
93 accordance with section 10-233h, court officials, the Division of
94 Criminal Justice, the Court Support Services Division [,] and the Board
95 of Pardons and Paroles. [and] Such records shall also be available to an
96 advocate appointed pursuant to section 54-221 for a victim of a crime
97 committed by the youth and to the Victim Advocate, in the
98 performance of his or her responsibilities under section 46a-13c, as
99 amended by this act, when requested by such victim. Such records
100 shall also be available to the attorney representing the youth, in any
101 proceedings in which such records are relevant, to the parents or
102 guardian of such youth, until such time as the youth reaches the age of
103 majority or is emancipated, and to the youth upon [his] such youth's
104 emancipation or attainment of the age of majority, provided proof of
105 the identity of such youth is submitted in accordance with guidelines
106 prescribed by the Chief Court Administrator. Such records disclosed
107 pursuant to this subsection shall not be further disclosed.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2005</i>	46a-13c
Sec. 2	<i>October 1, 2005</i>	46a-13d
Sec. 3	<i>October 1, 2005</i>	54-761(b)

Statement of Purpose:

To authorize the Victim Advocate to pursue appellate relief on behalf of crime victims when any right afforded to crime victims by the state constitution or the general statutes has allegedly been violated in any court proceeding, to authorize the Victim Advocate, within limits, to issue a subpoena in the course of conducting an investigation and to include the Victim Advocate among the individuals and agencies that have access to the records of any youth adjudged a youthful offender.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]